

(RWR) to cover countermeasure dispensers, radar warning, incoming/on-way missile warning and on-fuselage laser-spot warning systems.

3. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

4. If a technologically-advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

5. A determination has been made that Nigeria can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

6. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Nigeria.

ARMS SALES NOTIFICATION

Mr. MENENDEZ. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY
COOPERATION AGENCY,
Arlington, VA.

Hon. ROBERT MENENDEZ,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On April 23, 2022, the Secretary of State, pursuant to section 36(b) of the Arms Export Control Act, as amended, determined that an emergency exists which requires the immediate sale of the defense articles and defense services identified in the attached transmittal to Ukraine through the Foreign Military Sales process. Ukraine's military forces require urgent support to enable them to resist the ongoing Russian invasion. Ukraine has identified a number of urgent needs to support its effort to repel the invasion, including ammunition. Immediate delivery of ammunition will help Ukraine in its continuing battle against Russian ground forces. It is in U.S. national security interests to facilitate these transfers in support of Ukraine's defense of its territory.

Please find attached (Tab 1) the Secretary of State Determination and Justification waiving the Congressional review requirements under Section 36(b)(1) of the Arms Ex-

port Control Act, as amended, for the attached Transmittal of the proposed Letter of Offer and Acceptance to the Ukraine for defense articles and services pursuant to the notification requirements of Section 36(b)(1) of the Arms Export Control Act (AECA), as amended. The determination and detailed justification are a part of the Transmittal. After this letter is delivered to your office, we plan to issue a news release to notify the public of the proposed sale.

Sincerely,

JAMES A. HURSCH,
Director.

Enclosures.

DETERMINATION UNDER SECTION 36(B)(1) OF THE ARMS EXPORT CONTROL ACT, 22 U.S.C. 2776(b)(1)

Pursuant to section 36(b)(1) of the Arms Export Control Act, 22 U.S.C. 2776, I hereby determine that an emergency exists which requires the immediate sale of the following defense articles and services in the national security interest of the United States:

Various rounds of non-standard ammunition to include, but not limited to, the following:

152mm rounds for 2A36 Giatsint.
152mm rounds for D-20 cannons.
VOG-17 for automatic grenade launcher AGS-17.
120mm mortar rounds (non-NATO).
122mm rounds for 2S1 Gvozdika; BM-21 GRAD Rockets.
300mm rounds/rockets for MLRS "Smerch".
VOG-25 grenades for under barrel grenade launcher GP-25.
82mm mortar rounds.
125mm HE ammunition for T-72.
152mm rounds for 2A65 Msta.
Transportation.
Logistical and program support.

This determination, along with the accompanying Memorandum of Justification, shall be transmitted to Congress with the applicable notifications.

MEMORANDUM OF JUSTIFICATION FOR THE EMERGENCY AUTHORIZATION OF THE SALE OF NON-STANDARD AMMUNITION TO UKRAINE UNDER SECTION 36(b)(1) OF THE ARMS EXPORT CONTROL ACT

The Secretary of State has executed his delegated authority to determine that an emergency exists requiring the sale of non-standard ammunition to the Government of Ukraine in the national security interest of the United States and the immediate issuance of the associated letter of offer.

In the early morning of February 24, Russia launched a full-scale, premeditated attack against Ukraine. Russia's massive military force buildup (with over 150,000 soldiers and equipment along the Russia-Ukraine and Belarus-Ukraine borders) enabled it to invade Ukraine with devastating consequences. This incursion came after Russia's cyber operations attacks against Ukrainian government infrastructure, Russian President Putin's purported recognition on February 21 of the so-called "Luhansk People's Republic" and "Donetsk People's Republic" as independent states, and the Kremlin's subsequent deployment of Russian military forces into the Donbas. On February 24, President Putin announced a "special military operation" in Ukraine, and Russian forces launched premeditated, unprovoked, and unjustified attacks against locations throughout Ukraine, including civilian infrastructure, in a full-scale invasion.

Over the last eight years, the U.S. government has provided robust levels of defense support to Ukraine to help counter Russia's aggressive and destabilizing activities. Ukraine also has increasingly purchased U.S. military equipment using national funds.

Since the beginning of the conflict in 2014, the United States has provided more than \$6 billion in security assistance to Ukraine, including through the Department of Defense's (DoD) Ukraine Security Assistance Initiative (USAI), DoD's security assistance authority under 10 U.S.C. 333, State's foreign military financing (FMF) program, and presidential drawdowns. Through these programs, which accelerated in the immediate lead-up to and following the February 24 all-out Russian attack, the United States has provided and is providing Ukraine with military equipment such as anti-armor missile systems, man-portable air defense systems, unmanned aerial systems, patrol boats, helicopters, artillery, grenade launchers, counter-artillery and counter-mortar radars, military medical equipment, electronic warfare detection systems, tactical gear, ammunition, and support for ongoing training programs.

Although U.S. security assistance has improved Ukraine's overall defense posture and capabilities, Ukraine's military forces require urgent additional support to enable them to continue to defend against the ongoing Russian invasion. There is an urgent and pressing need to provide nonstandard ammunition to Ukraine's military forces, which is essential to enable those forces to repel Russian advances into their territory—particularly a renewed offensive in the east and south. As Ukrainian forces expend ammunition to defend their country, their daily replenishment requirements continue to increase. With critically low stores of ammunition for their fielded systems, we must act immediately to provide the required ammunition to sustain Ukraine in this conflict. The sale of this ammunition is expected to be funded from FMF for Ukraine.

For the reasons discussed above, an emergency exists which requires this sale under the Arms Export Control Act, in the national security interest of the United States and the immediate issuance of the associated letter of offer.

TRANSMITTAL NO. 22-30

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Ukraine.

(ii) Total Estimated Value:
Major Defense Equipment* \$0 million.
Other \$165 million.
Total \$165 million.

Funding Source: Foreign Military Financing.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE): None.

Non-MDE: Various rounds of non-standard ammunition to include, but not limited to, the following: 152mm rounds for 2A36 Giatsint; 152mm rounds for D-20 cannons; VOG-17 for automatic grenade launcher AGS-17; 120mm mortar rounds (non-NATO); 122mm rounds for 2S1 Gvozdika; BM-21 GRAD Rockets; 300mm rounds/rockets for MLRS "Smerch"; VOG-25 grenades for under barrel grenade launcher GP-25; 82mm mortar rounds; 125mm HE ammunition for T-72; 152mm rounds for 2A65 Msta; transportation; and other related elements of logistical and program support.

(iv) Military Department: Army (UP-B-UCS).

(v) Prior Related Cases, if any: None.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: None.

(viii) Date Report Delivered to Congress: April 24, 2022.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Ukraine—Non-Standard Ammunition

The Government of Ukraine has requested to buy various rounds of non-standard ammunition to include, but not limited to, the following: 152mm rounds for 2A36 Giatsint; 152mm rounds for D-20 cannons; VOG-17 for automatic grenade launcher AGS-17; 120mm mortar rounds (non-NATO); 122mm rounds for 2S1 Gvozdika; BM-21 GRAD Rockets; 300mm rounds/rockets for MLRS "Smerch;" VOG-25 grenades for under barrel grenade launcher GP-25; 82mm mortar rounds; 125mm HE ammunition for T-72; 152mm rounds for 2A65 Msta; transportation; and other related elements of logistical and program support. The total estimated program cost is \$165 million.

The Secretary of State has determined and provided detailed justification that an emergency exists that requires the immediate sale to Ukraine of the above defense articles (and defense services) in the national security interests of the United States, thereby waiving the Congressional review requirements under Section 36(b) of the Arms Export Control Act, as amended.

This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a partner country that is a force for political stability and economic progress in Europe.

The proposed sale will improve Ukraine's capability to meet current and future threats by maintaining the operational readiness of its forces. The provision of non-standard and legacy Warsaw Pact ammunition will enable the Armed Forces Ukraine to defend itself against ongoing threats and enhance national defense. Ukraine already has these items, or variants thereof, in its inventory and will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor(s) will be selected upon contract award.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Ukraine.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRIBUTE TO THEODORE "TED" BORNSTEIN

Ms. BALDWIN. Mr. President, I rise today to honor my friend, Theodore "Ted" Bornstein. Ted recently announced his well-deserved retirement, after a long career as a vital and vigorous public servant and advocate.

In the late 1970s, Ted began his work in Washington, DC, establishing and overseeing the State of Missouri's DC office, and led it for more than 6 years on behalf of Governors Joe Teasdale and Kit Bond. He later shifted to the U.S. House of Representatives, serving as chief of staff to Representatives Cecil Heftel and Les Aspin. After Representative Aspin's confirmation to be Secretary of Defense under then-President Bill Clinton, Ted served as the director of the Defense Reinvestment Task Force.

Following his time in the Department of Defense, Ted returned to Cap-

itol Hill to serve the people of Wisconsin as chief of staff for former Senator Herb Kohl. As Senator Kohl's chief of staff, he led legislative outreach strategies and programs and oversaw the operation of several offices of more than 40 staff. He later departed Senator Kohl's office and joined the firm of Foley & Lardner, LLP, where he will retire as a partner this year.

Ted's experience on Capitol Hill and the executive branch have made him a valuable asset to clients across a wide breadth of interests. He has successfully assisted clients in areas ranging from congressional investigations to defense policy and appropriations, as well as tax policy, healthcare, and governmental ethics.

Outside of his professional work, Ted is a cofounder of the influential Wisconsin Group. This group brings together Wisconsin-connected professionals in business and public policy to meet regularly on issues of importance. His efforts on this front have been invaluable to many bipartisan achievements of the Wisconsin congressional delegation.

I am pleased to recognize Ted's long career in public service and advocacy, and I wish him all the best in his retirement.

REMEMBERING R. RICHARD "DICK" WAGNER

Ms. BALDWIN. Mr. President, today I rise to honor someone who was a true leader and inspiring figure to many in my hometown of Madison, WI, and across our country.

Scholar and activist R. Richard "Dick" Wagner sadly passed away on December 13, 2021, at the age of 78. Dick devoted his life to public service and advancing our common good. In 1980, he was elected as the first openly gay member of the Dane County Board of Supervisors, where he served for 14 years, including 4 years as chair.

I first met Dick in 1984. Fresh out of college and looking to connect with the local political scene, I was invited to a gathering of local progressive elected officials, labor union leaders, and civil rights and environmental activists to strategize about candidate recruitment for city council and school board seats to be contested in the spring elections. We met on the second floor of a popular local establishment, Mother's Pub, which had long been a gathering spot for local progressives. I observed how much respect Dick had earned from his fellow progressive leaders. Following a discussion about the issues the group hoped to advance, we broke into small groups. Dick Wagner led a discussion on opportunities to advance policies, initiatives, and ordinances to counter discrimination against our community. That day, Dick became my role model and mentor, and a lifelong friendship ensued.

As one of the first dozen openly gay officials in the Nation, Dick was a founding member of the International

Network of Lesbian and Gay Officials, now known as the Victory Institute. With quiet determination and the utmost civility, he provided me and many others a path forward. Together, Dick and I cohosted the fifth Victory Institute conference in Madison in 1989.

Dick had an expansive professional career in public service, serving on the Wisconsin Arts Board, the Wisconsin Humanities Committee, the National Board for the Assembly of State Arts Agencies, the Madison Landmarks Commission, Olbrich Botanical Society, Friends of UW Libraries, and the Governor's Council on Lesbian and Gay Issues.

He also cofounded UW-Madison's LGBT Alumni Association; and the New Harvest Foundation, the LGBT foundation for south-central Wisconsin, and served on the board of Fair Wisconsin.

Dick understood that change grows at local grassroots level, and he worked hard in a collaborative way to bring it to Wisconsin. His work as a leader in the gay community helped lead to a city gay rights ordinance in 1974 and a county ordinance in 1980 prohibiting discrimination on the basis of sexual orientation. He was also instrumental in establishing some of the State's first antidiscrimination laws against gays and lesbians.

In retirement, he fully utilized his doctorate in history by authoring two groundbreaking volumes on gay history in Wisconsin: "We've Been Here All Along" provided an illuminating picture of Wisconsin's gay history from the reporting on the Oscar Wilde trials of 1895 to the landmark Stonewall Riots of 1969. "Coming Out, Moving Forward: Wisconsin's Recent Gay History" outlined the challenges that LGBTQ Wisconsinites faced in their efforts to right past oppressions and secure equality. It also powerfully told the stories of our State's LGBTQ pioneers who pushed back against injustice and found ways to live openly and proudly as themselves.

Dick Wagner was a deeply inspiring person in my life as a role model, mentor, and lifelong friend. In fact, I may not have ever entered public service if not for the guidance and encouragement he provided me to walk the path he paved. He provided the opportunity for young people like myself and others growing up all over Wisconsin to know that they are not alone and that they stand on the shoulders of people who came before them. Dick lived a life that showed to all of us that history only moves in one direction: Forward. For that, I am forever grateful.

ADDITIONAL STATEMENTS

TRIBUTE TO ARKANSAS STATE TROOPER SPENCER MORRIS

• Mr. BOOZMAN. Mr. President, I rise today to recognize Arkansas State Trooper Spencer Morris who has been